



One Hundred Seventeenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

January 12, 2022

The Honorable Kevin McCarthy
Republican Leader
H-204, The Capitol
Washington, DC 20515

Dear Leader McCarthy:

On June 30, 2021, the U.S. House of Representatives adopted House Resolution 503, establishing the Select Committee to Investigate the January 6th Attack on the United States Capitol (the “Select Committee”). The Select Committee is investigating the facts, circumstances, and causes of the January 6th attack and issues relating thereto.

We write to request your voluntary cooperation with our investigation on a range of critical topics, including your conversations with President Trump before, during and after the violent January 6th attack. You have acknowledged speaking directly with the former President while the violence was underway on January 6th. And you summarized your conclusions regarding President Trump’s conduct on January 6th in a speech you made January 13th on the House floor:

The President bears responsibility for Wednesday’s attack on Congress by mob rioters. He should have immediately denounced the mob when he saw what was unfolding. These facts require immediate actions by President Trump: Accept his share of responsibility. Quell the brewing unrest. And ensure President-Elect Biden is able to successfully begin his term.

What we saw last week was not the American way. Neither is the continued rhetoric that Joe Biden is not the legitimate president. Let’s be clear, Joe Biden will be sworn in as the President of the United States in one week because he won the election.¹

¹ “GOP Leader McCarthy Says President Trump ‘Bears Responsibility’ for Capitol Attack, Favors Censure Over Impeachment,” *C-SPAN*, January 13, 2021, <https://www.c-span.org/video/?c4937290/gop-leader-mccarthy-president-trump-bears-responsibility-capitol-attack-favors-censure>. Other Republicans in the House and Senate also condemned the January 6th attack and President Trump’s role in causing the violence. *See, e.g.*, <https://www.c-span.org/video/?507835-4/senator-mcconnell-attack-us-capitol> (Senator McConnell, January 19, 2021: “The mob was fed lies. They were provoked by the President and other powerful people.”); <https://www.nbcdfw.com/news/politics/lone-star-politics/texas-sen-ted-cruz-answers-questions-after-events-at-us-capitol/2522792/> (Senator Cruz on January 7, 2021: “What happened yesterday in Washington was horrific. It was a terrorist attack on the United State Capitol, it was despicable.” President Trump’s rhetoric was “reckless.” President Trump “plainly bears some responsibility” for January 6th.)

Of course, these conclusions were consistent with a large number of other public statements you made on January 6th and in the days thereafter. For example, you had the following exchanges on CBS television with Norah O'Donnell while the attack on the Capitol was underway:

O'DONNELL: You said you spoke with the president, what did the President say he would do?

REP. McCARTHY: I know he had put a tweet out there. I told him he needs to talk to the nation. I told him what was happening right then.

...

REP. McCARTHY: I was very clear with the President when I called him. This has to stop and he has to go to the American public and tell them to stop this.

...

O'DONNELL: Leader McCarthy, the President of the United States has a briefing room steps from the Oval Office. It is -- the cameras are hot 24/7, as you know. Why hasn't he walked down and said that now?

REP. McCARTHY: I conveyed to the President what I think is best to do, and I'm hopeful the President will do it.

...

O'DONNELL: And have you spoken with his chief of staff?

REP. McCARTHY: I've spoken to the President. I've spoken to other people in there and to the White House as well.²

In the days after January 6th, you also shared your account of conversations with President Trump with a number of your colleagues in the Republican Conference. Representative Jaime Herrera Beutler, a Republican Congresswoman from Washington, recorded your account of that conversation in contemporaneous notes, and later issued the following statement:

When McCarthy finally reached the president on January 6 and asked him to publicly and forcefully call off the riot, the president initially repeated the falsehood that it was antifa that had breached the Capitol. McCarthy refuted that and told the president that these were Trump supporters. That's when, according to McCarthy, the president said: 'Well, Kevin, I guess these people are more upset about the election than you are.'³

² Leader Kevin McCarthy and Norah O'Donnell, CBS Evening News, CBS, January 6, 2021, <https://www.cbsnews.com/video/house-minority-leader-kevin-mccarthy-condemn-the-violence/#x>.

³ Press Release from Rep. Jaime Herrera Beutler on February 12, 2021, Herrera Beutler Again Confirms Conversation with McCarthy Regarding January 6 U.S. Capitol Attack, <https://jhb.house.gov/news/documentsingle.aspx?DocumentID=402083>; see also Documents on file with the Select Committee; Jonathan Karl, *Betrayal*, at 241-42 (2021).

Another report of your conversation with President Trump was published by Jake Sherman, John Bresnahan and Anna Palmer on January 8, 2021:

President Donald Trump and House Minority Leader Kevin McCarthy got into a screaming match Wednesday as an enraged mob of Trump supporters attacked the Capitol, according to a source familiar with the episode. McCarthy, one of the president's closest allies in Congress, demanded that Trump release a statement denouncing the mob. Initially, Trump would not agree to do it. As protestors were smashing their way into the Capitol in an unprecedented act of political violence, Trump -- also under pressure from top aides to act -- finally relented and said he would send a tweet. That wasn't good enough for McCarthy, who wanted more.⁴

Further, you shared an account of your communications with President Trump with a local news outlet in your district, which reported that you had a “very heated conversation” with the President as the riot was taking place, and urged the President to “get help” to the Capitol.⁵ Many similar reports appear on and after January 6th from a number of other news organizations.⁶ And, in addition to all of those published accounts—which each appear consistent with your public statements at the time—*Politico* reported that you shared an even greater degree of detail with your colleagues in a widely attended conference call on January 11th. On that call, according to the report, you stated that President Trump had *admitted* “some degree of responsibility” for January 6th in his one-on-one conversations with you.⁷

As is readily apparent, all of this information bears directly on President Trump’s state of mind during the January 6th attack as the violence was underway. Further, in addition to the specifics identified above, the Committee has a range of other key questions for you. For example, even after the riotous crowd ultimately dispersed late in the day on January 6th, then-President Trump and his legal team continued to seek to delay or otherwise impede the electoral count.⁸ And Mr. Trump’s tweet from that evening further revealed his perspective on the violence: “*These are the things and events that happen when a sacred landslide election victory is so unceremoniously & viciously stripped away from great patriots who have been badly & unfairly treated for so long.*”⁹ The Select Committee is aware that, notwithstanding the unacceptable violence that day, you nevertheless agreed to support continued objections to the electoral votes from multiple states late in the evening of January 6th and into the morning of January 7th. The Select Committee

⁴ Jake Sherman et al. Punchbowl News AM, January 8, 2021.

⁵ John Cox, “Californian exclusive: McCarthy Recounts Intense Emotional Call with Trump Over Election Results,” *Bakersfield.com*, January 13, 2021, https://www.bakersfield.com/news/californian-exclusive-mccarthy-recounts-intense-emotional-call-with-trump-over-election-results/article_924a5538-5549-11eb-8ec5-07c3f662479f.html.

⁶ See Jamie Gangel, Kevin Liptak, Michael Warren, and Marshall Cohen, “New Details about Trump-McCarthy Shouting Match Show Trump Refused to Call off the Rioters,” CNN, February 12, 2021, <https://www.cnn.com/2021/02/12/politics/trump-mccarthy-shouting-match-details/index.html>; Jonathan Karl, *Betrayal*, at 241-242 and 291-92 (2021); Bob Woodward and Robert Costa, *Peril*, at 248 (2021); Documents on file with the Select Committee.

⁷ Melanie Zanona and Oliva Beavers, “McCarthy says Trump accepted some responsibility for Capitol riot,” *Politico*, January 11, 2021, <https://www.politico.com/news/2021/01/11/mccarthy-trump-capitol-riot-457882>.

⁸ Documents on file with the Select Committee.

⁹ Tweet by President Donald J. Trump, @realDonaldTrump, January 6, 2021 at 6:01 pm.

wishes to question you regarding communications you may have had with President Trump, President Trump's legal team, Representative Jordan, and others at the time on that topic.

Additionally, the Committee would like to question you regarding your communications with President Trump, White House staff, and others in the week *after* the January 6th attack, particularly regarding President Trump's state of mind at that time. The Select Committee has contemporaneous text messages from multiple witnesses identifying significant concerns following January 6th held by White House staff and the President's supporters regarding President Trump's state of mind and his ongoing conduct. It appears that you had one or more conversations with the President during this period, including a conversation on or about January 11th, which your local news outlet described as follows:

Bakersfield Republican Rep. Kevin McCarthy said he implored President Donald Trump during an intense, hourlong phone conversation Monday morning to accept his electoral defeat and move forward with a peaceful transition of power.

House minority leader pleaded with him, telling him the election was over and he needed to move on — “Stop this!” McCarthy recalled telling him.¹⁰

It appears that you may also have discussed with President Trump the potential he would face a censure resolution, impeachment, or removal under the 25th Amendment. It also appears that you may have identified other possible options, including President Trump's immediate resignation from office.¹¹

Relatedly, the Select Committee is concerned about the potential for continued violence after January 6th provoked by President Trump's false claims that the election was stolen. The Select Committee is aware of communications among White House staff and President Trump's supporters regarding the potential for further violence. For example Fox News host Laura Ingraham texted the White House Chief of Staff on January 12, 2021: “Remarks on camera discouraging protest at state capit[o]ls esp with weapons will be well advised given how hot the situation is. [E]veryone needs to calm down and pray for our country and for those who lost their lives last week.”¹² During the same time period, you shared this concern about the President's “stolen election” claims with your local news organization: “It's raising the ability for greater violence and we've got to stop that and come together as one nation.”¹³ We also understand that

¹⁰ John Cox, “Californian exclusive: McCarthy Recounts Intense Emotional Call with Trump Over Election Results,” *Bakersfield.com*, January 13, 2021, https://www.bakersfield.com/news/californian-exclusive-mccarthy-recounts-intense-emotional-call-with-trump-over-election-results/article_924a5538-5549-11eb-8ec5-07c3f662479f.html.

¹¹ The New York Times reported on January 12, 2021, that three unnamed Republican sources indicated that you stated in a meeting that you intended to call President Trump and suggest that he resign from office. Jonathan Martin and Maggie Haberman, “McConnell is said to be please about impeachment, believing it will be easier to purge Trump from the G.O.P.” The New York Times, published January 12, 2021, updated April 30, 2021, <https://www.nytimes.com/2021/01/12/us/mitch-mcconnell-trump-impeachment.html>.

¹² Documents on file with the Select Committee.

¹³ John Cox, “Californian exclusive: McCarthy Recounts Intense Emotional Call with Trump Over Election Results,” *Bakersfield.com*, January 13, 2021, https://www.bakersfield.com/news/californian-exclusive-mccarthy-recounts-intense-emotional-call-with-trump-over-election-results/article_924a5538-5549-11eb-8ec5-07c3f662479f.html.

you received FBI briefings regarding potential violence immediately following January 6th. Did you communicate with the President or White House staff regarding those concerns?

Despite the many substantial concerns you voiced about President Trump's responsibility for the January 6th attack, you nevertheless visited President Trump in Mar-a-Lago on January 28th (the impeachment trial began on February 9, 2021). While there, you reportedly discussed campaign planning and fundraising to retake the House majority in 2022.¹⁴ The Select Committee has no intention of asking you about electoral politics or campaign-related issues, but does wish to discuss any communications you had with President Trump at that time regarding your account of what actually happened on January 6th. Your public statements regarding January 6th have changed markedly since you met with Trump. At that meeting, or at any other time, did President Trump or his representatives discuss or suggest what you should say publicly, during the impeachment trial (if called as a witness), or in any later investigation about your conversations with him on January 6th?

Of course, the events on the day of January 6th and thereafter are not the Select Committee's only focus. We also must learn about how the President's plans for January 6th came together, and all the other ways he attempted to alter the results of the election. For example, in advance of January 6th, you reportedly explained to Mark Meadows and the former President that objections to the certification of the electoral votes on January 6th "was doomed to fail."¹⁵ How did they respond? Why were they nevertheless so confident that the election result would be overturned?

The Select Committee has tremendous respect for the prerogatives of Congress and the privacy of its Members. At the same time, we have a solemn responsibility to investigate fully the facts and circumstances of these events. Our investigation will inform our specific legislative recommendations, and ensure that we can take action to prevent another January 6th from ever happening again. The Committee welcomes your assistance with the investigation, and notes your recent statements on a local news program: When asked whether you would be willing to share information with the Select Committee, you responded: "I don't really have anything to add. I have been very public, but I wouldn't hide from anything...."¹⁶

We would like to meet with you soon, but we also want to accommodate your schedule. We propose meeting with you on February 3, 2022 or February 4, 2022. Please let us know whether one of those dates will fit with your schedule, or connect us with your counsel so we can coordinate on scheduling. If you are unavailable on those dates, we can arrange a time during the week of February 7, 2022.

[recounts-intense-emotional-call-with-trump-over-election-results/article_924a5538-5549-11eb-8ec5-07c3f662479f.html](https://www.washingtonpost.com/news/energy-environment/wp/2021/01/28/mccarthy-and-trump-discuss-republicans-plans-to-win-house-majority-at-florida-meeting-thursday-january-28-2021/?hpid=hp_hp-top-table-main-trump-mccarthy%3Ahomepage%2Fstory&hpid=hp_hp-top-table-main-trump-mccarthy%3Ahomepage%2Fstory).

¹⁴ Jamie Gangel et al., "McCarthy and Trump discuss Republicans' plans to win House majority at Florida meeting Thursday," January 28, 2021, <https://www.cnn.com/2021/01/28/politics/donald-trump-kevin-mccarthy-meeting/index.html>.

¹⁵ Jonathan Karl, *Betrayal* at 231 (2021).

¹⁶ Aaron Perlman, *Interview: Congressman Kevin McCarthy Previews 2022*, KBAK, December 27, 2021, <https://bakersfieldnow.com/news/connect-to-congress/interview-congressman-kevin-mccarthy>.

The Honorable Kevin McCarthy

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A full and accurate accounting of what happened on January 6th is critical to the Select Committee's legislative recommendations. And the American people deserve to understand all the relevant details. Thank you in advance for your consideration of this request.

Sincerely,

A handwritten signature in blue ink, reading "Bennie G. Thompson". The signature is fluid and cursive, with the first name "Bennie" being more prominent and the last name "Thompson" following in a similar style.

Bennie G. Thompson
Chairman